IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 3597 of 1997

Between:

K.Krishna Mohan S/o.K.Rameswaraiah
A.P.Housing Corporation Tadoor,Mahaboobnagar Dist.

..... PETITIONER

AND

1 Managing Director. A.P.State Housing Corporation,Panchayatraj Chambers, Hyderabad at (Hyderguda)
2 District Collector/Executive Director A.P.State Housing Corporation,Panchayatraj Chambers
Mahabubnagar Dist
3 District Manager A.P.State Housing Corporation,Panchayatraj Chambers, Mahabubnagar Dist.
4 V.Srinivas Asst.Engineer.A.P.State Housing Corporation
Bijinepally Place and Mandal Mahabubnagar Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ specially Writ of Mandamus directing the respondent No.1 corporation to appoint the petitioner as assistant engineer by granting all attendent benefits w.e.f 26-09-90 onwards on which date juniors to the petitioner namely the respondent no.4 was promoted to the post of the petitioner in proceedings No.A9/3146/95-2 dated 08-02-97 of the respondent No.1 and pass such other order or further orders as the Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.L.PRABHAKAR REDDY

Counsel for the Respondent No.4: MR.V.V.NARASIMHA RAO

The Court made the following :

O R D E R:

This Writ Petition is filed by the petitioner seeking writ of mandamus directing the respondent Corporation to appoint the petitioner as Assistant Engineer by granting all attendant benefits with effect from 26.9.1990 onwards, the date on which the juniors of the petitioners, namely the 4th respondent was promoted to the post of Assistant Engineer, by setting aside impugned proceedings dated 8.2.1997.

2. According to the petitioner, he was appointed as Work Inspector on 12.4.1986, while the 4th respondent was appointed as Work Inspector on 20.03.1987. However, subsequently the 4th respondent was promoted as Draftsman in September 1987 and later appointed as Assistant Engineer by proceedings dated 6.9.1990. When the petitioner made a representation to the 1st respondent for consideration of his candidature for promotion and appointment as Assistant Engineer on par with the 4th respondent, his claim was rejected under the impugned order dated 8.2.1997. Aggrieved by that, the petitioner has come up with the present Writ Petition.

3. According to the learned counsel for the petitioner, since the junior of the petitioner was promoted to a higher post, the petitioner is also entitled for equal treatment not only to the promotion but also for the consequential benefits. Therefore, the learned counsel sought for a direction to the official respondents.

4. The respondent-Corporation has filed a counter disputing and denying the claim of the petitioner.

5. Heard the learned counsel for the petitioner, the learned counsel for the official respondents and also the learned counsel for the 4th respondent, and considered the material on record.

6. From the impugned order dated 8.2.1997 it is clear that the petitioner made a representation to the Corporation to consider his case for appointment/promotion as Assistant Engineer as per the Rules and in pursuance of the directions of this Court in various writ petitions. The said claim of the petitioner was rejected by the Corporation, observing that the petitioner is junior to the person appointed as Assistant Engineer by the impugned proceedings dated 4.2.1997. Therefore, the claim of the petitioner for appointment was rejected. But, however, while filing the

Writ Petition, the petitioner has come up with a new case that his junior i.e., 4th respondent was promoted as draftsman and subsequently appointed as Assistant Engineer as early as on 6.9.1990, and, accordingly, sought for similar benefit on par with the 4th respondent. But a perusal of the order impugned under which the 4th respondent was appointed as Assistant Engineer, shows that the 4th respondent was not promoted, but was appointed by direct recruitment as Assistant Engineer, though by that time he was working in the Corporation as draftsman. Therefore, the petitioner cannot claim the benefit on par with the 4th respondent, who was appointed as Assistant Engineer by direct recruitment. In addition, the said order was passed in favour of the 4th respondent as early as on 6.9.1990, and the same was not assailed by the petitioner, even assuming that the petitioner is entitled for being considered against the said vacancy in which the 4th respondent was appointed. Therefore, the petitioner is not entitled to any relief.

7. The Writ Petition is accordingly dismissed as devoid of any merit. No costs.

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S. Ananda Reddy, J.

Dt. 08.10.2004

Kvh

1 Managing Director. A.P.State Housing Corporation, Panchayatraj Chambers, Hyderabad at (Hyderguda)
2 District Collector/Executive Director A.P.State Housing Corporation,Panchayatraj Chambers
Mahabubnagar Dist
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